

Studia Ceranea 7, 2017, p. 9–25
DOI: 10.18778/2084–140X.07.01

ISSN: 2084-140X
e-ISSN: 2449-8378

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THE BYZANTINE OFFICE OF *Ἐπι τῶν κρίσεων* AND ITS HOLDERS (IN THE LIGHT OF SPHRAGISTIC EVIDENCE AND WRITTEN SOURCES)

In the middle of the 11th century, the Byzantine Empire began to experience the difficulties that eventually culminated in the catastrophe of the 1070s. Meanwhile, the state administration evolved in an attempt to adjust to the new conditions. One of the firm steps towards this goal was the creation of the office (σέκρετον) of ἐπί τῶν κρίσεων by emperor Constantine IX Monomachos (1042–1055) somewhere between 1043 and 1047. This institution is the topic of the current paper, which aims to summarize the evidence from primary sources and the major contributions from the end of the 19th century to the present day. The main part, however, consists of a list of officials in this position, compiled using the available data from different sources – rhetorical, epistolary, documentary and sphragistic.

The only historical source for the establishment of the *epi ton kriseon* and its initial functions is the *History* by Michael Attaleiates¹. According to this account, the newly founded office was to deal with private legal cases (δικῶν ιδιωτικῶν); furthermore, provincial judges (τῶν ἐπαρχιῶν δικασταί) were supposed to send copies or notes (τῶν σχεδαρίων) to inform the official about their decisions, in order to be free of any suspicion concerning their equity.

The institution under discussion has been studied quite thoroughly for more than a century. Among the most important contributions are those by Karl Eduard Zachariä von Lingenthal², Helene Ahrweiler³, Nikos Oikonomidès⁴, Michael

¹ MICHAEL ATTALEIATES, *History*, ed. A. KALDELLIS, D. KRALLIS, Cambridge MA–London 2012, p. 36: Ἐκαίνισε δὲ καὶ σέκρετον δικῶν ιδιωτικῶν, ἐπὶ τῶν κρίσεων κακέσας τὸν τοῦτου προέχοντα· ἐν τούτῳ οἱ τῶν ἐπαρχιῶν δικασταί καὶ συντάττουσι τὰ ποιητέα ἐγγράφως καὶ τὰ τῶν σχεδαρίων ἐναποτιθέασιν ἴσα δι' ὑποψίας ἀπαλλαγὴν.

² K.E. ZACHARIÄ VON LINGENTHAL, *Geschichte des griechisch-römischen Rechts*, Berlin 1892, p. 374–378.

³ H. GLYKATZI-AHRWEILER, *Recherches sur l'administration de l'empire byzantin aux IX–XI^e siècles*, BCH 84, 1960, p. 70–71.

⁴ N. OIKONOMIDÈS, *L'évolution de l'organisation administrative de l'empire byzantine au XI^e siècle (1025–1118)*, TM 6, 1976, p. 134–135.

Angold⁵, Aikaterine Christophilopoulou⁶, Stauroula Chondridou⁷, Andreas Gkoutzioukostas⁸. Two major suggestions dominate the secondary sources as regards the primary function of these civil servants. Partly, at least, they coincide and complement one another; the chief difference between them is whether the *epi ton kriseon* is taken as a purely judicial position, overseeing the legal activity of provincial judges, or as one related to provincial administration in a more general sense⁹. It is widely accepted that the official in question was a supreme judge of sorts, one of four in Constantinople at that time, the others being the *droungarios tes viglas* (δρουγγάριος τῆς βίγλας), the *eparch of the City*¹⁰ (ἐπαρχος τῆς Πόλεως) and the *quaestor* (κοιαιστωρ)¹¹. In a mid-12th century source, the *Ecloga Basilicorum*, the *epi ton kriseon* is mentioned among the 'great judges' (μεγάλους δικαστές)¹². The judicial activity of these officials is well-attested in sources from the 11th–12th century¹³.

Ahrweiler points out that, with the available data, it is impossible to specify the nature of the dependency of the thematic *kritai* (θεματικοί κριταί) on the *epi ton kriseon*. A useful piece of information is found in a passage from the work of Kekaumenos; here, once again, we read about the notes (σχεδαρίων) that a thematic judge was obliged to dispatch to his colleagues in the capital (τῶν πολιτικῶν δικαστῶν). Unfortunately, the original text breaks off, which makes it impossible to reconstruct the rest¹⁴. However, Ahrweiler implies that the *epi ton kriseon* probably did not have the right to veto the decisions of thematic judges, although they were subordinate to him in a certain way. Furthermore, the scholar advances the

⁵ M. ANGOLD, *The Byzantine Empire, 1025–1204. A Political History*, London–New York 1997², p. 62–66.

⁶ ΑΙ. ΧΡΙΣΤΟΦΙΛΟΠΟΥΛΟΥ, *Τα βυζαντινά δικαστήρια κατά τους αιώνες Γ'–ΙΑ'*, ΔΕΒΜΜ 4, 1986/1987, p. 174–176.

⁷ Σ.Δ. ΧΟΝΔΡΙΔΟΥ, *Ο Κωνσταντίνος Θ' Μονομάχος και η εποχή του*, Αθήνα 2002, p. 127–140.

⁸ Α.Ε. ΓΚΟΥΤΖΙΥΚΩΣΤΑΣ, *Η απονομή δικαιοσύνης στο Βυζάντιο (9^{ος}–12^{ος} αιώνες). Τα κοσμικά δικαιοδοτικά όργανα και δικαστήρια της πρωτεύουσας*, Θεσσαλονίκη 2004, p. 202–207 [= ΒΚΜε, 37].

⁹ Karl Eduard Zachariä von Lingenthal confuses τῶν ἐπαρχιῶν δικασταί in Attaleiates' text with the judges of the velon and the Hippodrome in the capital, suggesting they were both responsible to the *epi ton kriseon*, which is obviously not true (K.E. ZACHARIÄ VON LINGENTHAL, *Geschichte...*, p. 374). Rather, the Byzantine text refers to provincial judges. For a very short survey of the issue, cf.: A. KAZHDAN, R.J. MACRIDES, *Epi ton kriseon*, [in:] ODB, vol. I, p. 724–725.

¹⁰ I.e. the new Rome – Constantinople.

¹¹ These four court officials appear together in the scholia on the Basilika dating from the reign of Constantine X Doukas (1059–1067). Cf. K.E. ZACHARIÄ VON LINGENTHAL, *Geschichte...*, p. 374, fn. 349.

¹² R.J. MACRIDES, *The Competent Court*, [in:] *Law and Society in Byzantium. Ninth–Twelfth Centuries*, ed. A.E. LAIOU, D. SIMON, Washington D.C. 1994, p. 119–120; Α.Ε. ΓΚΟΥΤΖΙΥΚΩΣΤΑΣ, *Η απονομή δικαιοσύνης...*, p. 207.

¹³ Α.Ε. ΓΚΟΥΤΖΙΥΚΩΣΤΑΣ, *Η απονομή δικαιοσύνης...*, p. 206–207.

¹⁴ КЕКАВМЕН, *Советы и рассказы, Поучение византийского полководца XI в.*, ed., trans. Г.Г. Литаврин, Санкт-Петербург² 2003, p. 148, 8–10.

idea that this official was more of an administrator than a judge in the pure sense of the word, which relates to the second hypothesis concerning his main functions – that of combined judicial and administrative powers¹⁵.

Another renowned Byzantinologist, Nikos Oikonomidès, suggests that *epi ton kriseon* assisted thematic judges in resolving more complicated cases, which was indeed necessary in view of their insufficient legal competence and education¹⁶. His explanation is rational and could be indirectly corroborated by the information about the deficiency of specialist education among thematic judges. This was one of the main reasons behind the establishment of a law school in Constantinople by Constantine IX, presided initially by *nomophylax* Ioannes Xiphilinos¹⁷. Angold takes a similar stance, linking the creation of the *epi ton kriseon* with the need for stricter control of the activity of provincial judges, whose lack of proper education had led to an unequal treatment of otherwise identical cases. However, he thinks of this office as more than simply law-related, involving authority over the thematic judges as well¹⁸.

Christophilopoulou suggests that the primary impulse behind the foundation of the institution was the need to impose the authority of the central administration over provincial judges. The main purpose was to prevent legal offenses – a common issue at the time, it would seem. Despite that, the *epi ton kriseon* was one of the *σεκρετικάι*, who were state officials distinct from judges¹⁹.

Chondridou views the establishment of this position in a wider context, as part of a reform project initiated by emperor Constantine IX himself and backed by the court dignitaries and intellectuals around him. The *epi ton kriseon* had the authority to dismiss provincial judges and to impose other penalties. He was mainly concerned with the *schedarion* in order to thwart illegal actions, mostly matters of property appropriation and financial fraud. Thus, according to Chondridou, he would also deal with economic and fiscal issues²⁰.

The most recent approach to this topic comes from another Greek scholar, Andreas Gkoutzioukostas, who summarizes all of the previous theories. The author implies that the *epi ton kriseon* was an official with various functions; however, there are scarce (if any) data confirming his alleged non-judicial powers. This dearth of evidence opens the way for different speculations, so that the issue is bound to remain uncertain²¹.

¹⁵ H. GLYKATZI-AHRWEILER, *Recherches sur l'administration...*, p. 70–71.

¹⁶ N. OIKONOMIDÈS, *L'évolution de l'organisation administrative...*, p. 134–135.

¹⁷ As an example, we may mention Michael Psellos, who was still very young when appointed thematic judge in several *themata* in Asia Minor; he had just finished his education and his overall legal knowledge was rather limited. Cf. M. ANGOLD, *The Byzantine Empire...*, p. 64–66.

¹⁸ *Ibidem*, p. 61–65.

¹⁹ ΑΙ. ΧΡΙΣΤΟΦΙΛΟΠΟΥΛΟΥ, *Τα βυζαντινά δικαστήρια...*, p. 174–175.

²⁰ Σ.Δ. ΧΟΝΔΡΙΔΟΥ, *Ο Κωνσταντίνος...*, p. 127–140.

²¹ Α.Ε. ΓΚΟΥΤΖΙΚΩΣΤΑΣ, *Η απονομή δικαιοσύνης...*, p. 202–207.

In order to make all these statements more consistent with the facts, we have to review some of the principal developments of the theme military and administrative system after the death of emperor Basil II (976–1025).

The theme system, established as early as in the late 7th–8th century as a purely military-related enterprise, eventually resulted in both military and civil authority being concentrated in the hands of one person – the thematic *strategos*²². It remained very much this way until the reign of Basil II, when most of the internal *themata* were deprived of their military population (the so called *stratiotai*), which came to be concentrated predominantly in the peripheral military administrative units near the empire's borders²³. This inevitably undermined the power of the *strategoi* in their own regions, raising the significance of the civil administrators, and of the judges in particular. This process proceeded even further once Basil II was gone, when military expeditions and the pressure on the borders were carried out by professional units (*tagmata*) in the capital and the provinces, as well as by the military population in the borderlands of Southern Caucasus, Asia Minor, Syria, the Balkans and Southern Italy. Meanwhile, the military duties of the remaining *stratiotai* were progressively transformed into fiscal ones for purely financial reasons²⁴.

The foundation of the office of *epi ton kriseon* could also be interpreted as a continuation of these processes. It legitimized the authority of thematic judges, reducing their power from virtually unchecked to controlled by this newly created institution based in the capital. To M. Angold, this was an attempt to restructure the provincial administration and the army, which is indeed a reasonable suggestion²⁵. The list of officials in the bureau of *epi ton kriseon*, presented below, should illustrate some of the important problems concerning both these individuals and the office itself.

²² On the establishment of this novel institution in the light of sphragistic data, cf. J.-C. CHEYNET, *La mise en place des thèmes d'après les sceaux: les stratèges*, SBS 10, 2010, p. 1–14.

²³ On some of the earlier changes during the reign of Basil II and the reasons behind them, cf. J.V.A. FINE, *Basil II and the Decline of the Theme System*, [in:] *Studies on the Slavo-Byzantine and West-European Middle Ages. In memoriam Ivan Dujčev*, vol. I, ed. P. DINEKOV et al., Sofia 1988, p. 44–47.

²⁴ W. TREADGOLD, *Byzantium and Its Army, 284–1081*, Stanford 1995, p. 39–40; M. ANGOLD, *The Byzantine Empire...*, p. 27, 62–63.

²⁵ M. ANGOLD, *The Byzantine Empire...*, p. 63.

List of individuals holding the position of ἐπί τῶν κρίσεων²⁶:

I. Before 1204:

1. *Michael*, *magistros*²⁷, *vestes*²⁸, and *epi ton kriseon* (mid-11th century)²⁹

Known from a single lead seal in the former collection of the late Georges Zacos³⁰.

Obv: inscription in four lines, reading: Κύριε βοήθει τῷ σῷ δούλῳ Μιχαήλ.

Rev: inscription in five lines: μαγίστρῳ βέστη καὶ ἐπὶ τῶν κρίσεων.

In view of the dating of this *molybdoboullon* (middle of the 11th century), as well as the presence of the titles of *magistros* and *vestes*, it is possible to assume that Michael was one of the first known *epi ton kriseon*. However, it is not improbable that he presided over the office later than № 2 and № 3 in the list, since the dating of the seal allows for a wider chronological window from the late 1040s to the early 1060s³¹. Unfortunately, the scarce data from this single seal can contribute neither to a more precise dating nor to the identification of the Michael in question with any other known figure, which would help reconstruct his *cursus honorum*.

2. *N.*, *epi ton kriseon* (1056)³²

One of the four officials (together with the *protasekretis*, the *nomophylax*, and the *skribas*) who participated as judges in the trial concerning the annulment

²⁶ The list follows the chronological principle to the extent it is possible; sometimes this turns out problematic, since most of the data come from sphragistic specimens and consequently lack precise dating.

²⁷ For the title of *magistros*, cf. N. OIKONOMIDÈS, *Les listes de préséance byzantines des IX^e et X^e siècles*, Paris 1972; A. KAZHDAN, *Magistros*, [in:] *ODB*, vol. II, p. 1267. On its devaluation in the 11th century, cf. H. Кънев, *Византийската титла магистър през IX–началото на XII в. Приносът на сфрагистиката за съставяне на листа на носителите на титлата магистър*, [in:] ИДЕМ, *Византинобългарски студии*, Велико Търново 2013, p. 238–243; ИДЕМ, *Приносът на сфрагистиката за разкриване на девалвацията на византийските почетни титли в йерархията на т.нар. система на премитство от средновизантийския период – примерите с титлите магистър и патрикий (границата на VIII/IX – границата на XI/XII в.)*, [in:] ИДЕМ, *Византинобългарски студии...*, p. 299–308.

²⁸ For the dignity of *vestes* and its devaluation, cf. N. OIKONOMIDÈS, *Les listes de préséance...*, p. 294; A. KAZHDAN, *Vestes*, [in:] *ODB*, vol. III, p. 2162–2163.

²⁹ *Prosopography of the Byzantine World*, ed. M. JEFFREYS et al., London 2016 (cetera: PBW), *Michael* 20193.

³⁰ V. LAURENT, *Le corpus des sceaux de l'empire byzantin*, vol. II, *L'administration centrale*, Paris 1981, № 899; G. ZACOS, J.W. NESBITT, *Byzantine Lead Seals*, vol. II, Bern 1984, № 1013.

³¹ I would like to use this opportunity to thank Dr. Nikolay Kanev, who helped me with this more precise dating. He read the preliminary version of the text and made some valuable remarks, which are greatly appreciated by the author.

³² PBW, *Anonymus* 2112.

of the engagement between Michael Psellos' adopted daughter Euphemia and Elpidios Kenchres in August 1056. In the end, this peculiar tribunal, of which the unnamed *epi ton kriseon* was part, decided that Psellos should either prove his point more emphatically in order to justify the annulment or pay a fine of 15 *litrai*; he eventually did the latter³³.

3. N., *epi ton kriseon* in exile (1060–1066)³⁴

The information about this former state official comes from a letter of Michael Psellos. The author was trying to put an end to his exile, to which the emperor (Constantine X Doukas (1059–1067) was well disposed, but was waiting for the right moment to act³⁵. It is plausible that he is to be identified with № 2, but this is impossible to prove.

4. N., *proedros* and *epi ton kriseon* (1062)³⁶

He is mentioned in a *praktikon* dealing with the possessions of the monastery of Iveron. It was composed by *asekretis* Petros following the order of Nikolaos Serblias, *krites tou Hippodromou, tou velou, Boleron, Strymon* and *Thessalonike* in August 1062. The *epi ton kriseon* and the other supreme judges (τῶν πολιτικῶν δικαστῶν) participated in the resolution of the case³⁷.

5. *Niketas*, *proedros*³⁸ and *epi ton kriseon* (second half of the 11th century)³⁹

He is known from at least two sphragistic pieces with the same iconography and text⁴⁰.

³³ MICHAEL PSELLOS, *Orationes forenses et acta*, ed. G.T. DENNIS, Stuttgart–Leipzig 1994, Ὑπόμνημα.

³⁴ PBW, *Anonymus* 2407.

³⁵ *Michaelis Pselli scripta minora magnam partem adhuc inedita*, vol. II, ed. E. KURTZ, F. DREXL, Milano 1941 (cetera: PSELLOS, *Scripta minora*), № 85, p. 114. For a summary of the letter and dating, cf. *The Letters of Psellos. Cultural Networks and Historical Realities*, ed. M. JEFFREYS, M.D. LAUXTER-MANN, Oxford 2017, p. 211.

³⁶ The person is absent from PBW.

³⁷ *Actes d'Iviron*, vol. II, ed. J. LEFORT et al., Paris 1990 [= *Archives de l'Athos*, XVI] (cetera: *Iviron*), № 35, p. 98–104.

³⁸ For the title of *proedros* and its derivative *protoproedros*, cf. N. ΟΙΚΟΝΟΜΙΔΗΣ, *Les listes de préséance...*, p. 299; A. KAZHDAN, A. CUTLER, *Proedros. Proedros as Civilian Dignity*, [in:] *ODB*, vol. III, p. 1727. On the devaluation of both titles, cf. Н. Кънев, *Титлата проедър като част от първоразредните почетни титли във Византия през IX–XI в. Проедри, засвидетелствани по сфрагистични данни*, [in:] ИДЕМ, *Византинобългарски студии...*, p. 156–179.

³⁹ PBW, *Niketas* 20154.

⁴⁰ V. LAURENT, *Le corpus...*, № 900; G. ZACOS, J. W. NESBITT, *Byzantine Lead Seals...*, № 654. Cf. also the digitalized specimen from the collection of Dumbarton Oaks: www.doaks.org/resources/seals/byzantine-seals/BZS.1951.31.5.340.

Obv: Theotokos Nikopoios standing, holding Baby Jesus in her left arm. The iconographic type is identified in the inscription: Μήτηρ Θεοῦ ἡ Νικοποιός.

Rev: inscription in seven lines, reading: Θεοτόκε βοήθει Νικήτα προέδρω καὶ ἐπὶ τῶν κρίσεων.

The dating could be made more precise – around 1060–1070, mostly on the grounds of the rank with which this *epi ton kriseon* is attested. At that time, the *proedroi* comprised a wide range of members of the military and civil service élite, and their numbers grew even more starting with the reign of Constantine X Doukas⁴¹.

6. **Konstantinos (Keroularios)**⁴², *protoproedros/sebastos*⁴³ and *epi ton kriseon* (1074–1078)⁴⁴

Konstantinos was a nephew of ex-patriarch Michael I Keroularios (1043–1058) and a state functionary in the second half of the 11th century, holding various offices and dignities in this period. He served as *epi ton kriseon* during the reign of emperors Michael VII Doukas (1071–1078) and his successor Nikephoros III Botaneiates (1078–1081), which fact is known from three letters sent to him by Michael Psellos.

The first one, dated about 1074–1075, contains Psellos' congratulations for Konstantinos and his wife on the occasion of the birth of their son⁴⁵. The second letter was written in 1078. It refers to Psellos' promotion to *kouropalates*, which caused Konstantinos' jealousy. Once he got the required apologies, Psellos send an encomiastic message to Konstantinos. The title of the letter reads: *To the protoproedros and epi ton kriseon, who was very dear to me, but had acted in a rather jealous way*⁴⁶.

⁴¹ Н. Кънев, *Титлата проедър...*, p. 164–169.

⁴² This family name was never used either by Konstantinos or by his brother Nikephoros. However, since they were sons of Michael Keroularios' elder brother, they can be assumed to have had the same name. Therefore, where the name is used in the text, it is purely for the purposes of convenience, in order to avoid the repetition of longer phrases. On Konstantinos' biography and career, cf. A.-K. WASSILIOU-SEIBT, *Die Neffen des Patriarchen Michael I. Kerullarios (1043–1058) und ihre Siegel. Ikonographie als Ausdrucksmittel der Verwandtschaft*, BMD 2, 2011, p. 107–113; and most recently: M. JEFFREYS, *Constantine, Nephew of the Patriarch Keroularios and His Good Friend Michael Psellos*, [in:] *The Letters of Psellos...*, p. 59–88.

⁴³ For the title of *sebastos* in the pre-Kommenian period, cf. A. KAZHDAN, *Sebastos*, [in:] ODB, vol. III, p. 1862–1863; W. SEIBT, *Der byzantinische Rangtitel Sebastos in vorkommenischer Zeit*, TM 16, 2010, p. 759–764.

⁴⁴ PBW, *Konstantinos 120*.

⁴⁵ Μιχαὴλ Ψελλοῦ ἱστορικοὶ λόγοι, ἐπιστολαὶ καὶ ἄλλα ἀνέκδοτα, ed. K.N. ΣΑΘΑΣ, Βενετία 1876 [= MBi, 5], № 157, p. 409–412. For a summary and commentary, cf. *The Letters of Psellos...*, p. 387.

⁴⁶ Εἰς τὸν πρωτοπρόεδρον καὶ ἐπὶ τῶν κρίσεων φίλτατον μὲν αὐτῷ τυγχάνοντα, βραχὺ δέ τι παραβασκῆναντα (P. GAUTIER, *Quelques lettres de Psellos inédites ou déjà éditées*, REB 44, 1986, № 21, p. 167–170). Cf. *The Letters of Psellos...*, p. 163–164.

The third message of Psellos is also dated to the same year (1078). Here, the elderly intellectual juxtaposes Konstantinos' crowded household with his own solitude (using a somewhat elegiac tone). At the time, Konstantinos held the superior title of *sebastos*⁴⁷. He was among the first bearers of this new and extremely high rank at that time known to us by name; others are Alexios Komnenos, the future emperor (1081–1118), and his elder brother Isaakios⁴⁸.

It is also worth mentioning that Konstantinos' brother Nikephoros might have been *epi ton kriseon* as well, judging by an ambiguous lead seal with a metrical legend attributed to him by Wassiliou Seibt. Though quite feasible, this surmise is unverifiable, because the expression used in the legend might refer to any of the supreme Constantinopolitan judges⁴⁹.

7. N. *Aristenos*, *epi ton kriseon* (last third of the 11th century)⁵⁰

There are several lead seals belonging to this person, all of them with metrical texts⁵¹.

Obv: inscription in five lines: Τῶν κρίσεων λαχόντα τὰς ψήφους φέρειν.

Rev: inscription in five lines: τὸν Ἀριστηνὸν πράξις ἡ νῦν δεικνύει.

From approximately the same time (late 11th–early 12th century), there are seals of officials with the same second name, but holding the offices of *eparchos* (N. Aristenos⁵²) and *logothetes tou dromou* (Michael Aristenos⁵³). A certain *proedros* Gregorios Aristenos is known as a participant in the trial against Ioannes Italos (1082) and in the synod of Blachernae (1094)⁵⁴. In all likelihood, the anonymous *epi ton kriseon* is identical with the person attested as *eparchos*. It is plausible that this was either Michael or Gregorios Aristenos, but in order to prove this inference we would certainly need more evidence, currently lacking⁵⁵.

⁴⁷ PSELLOS, *Scripta minora*, № 214, p. 254–255. Cf. *The Letters of Psellos...*, p. 164.

⁴⁸ E. MCGEER, J. NESBITT, N. OIKONOMIDES, *Catalogue of Byzantine Seals at Dumbarton Oaks and in the Fogg Museum of Art*, vol. V, Washington, D.C. 2005, 25.2, p. 60.

⁴⁹ A.-K. WASSILIOU-SEIBT, *Die Neffen...*, p. 114; EADEM, *Corpus der byzantinischen Siegel mit metrischen Legenden*, vol. II, *Siegellegenden von Ny bis inclusive Sphragis*, Wien 2016, № 1573.

⁵⁰ PBW, *Anonymus* 20117.

⁵¹ V. LAURENT, *Le corpus...*, № 901; J.-C. CHEYNET, C. MORRISON, W. SEIBT, *Sceaux byzantins de la collection Henri Seyrig*, Paris 1991, № 103. There is another seal in the Dumbarton Oaks collection, digitalized but not yet published: <http://www.doaks.org/resources/seals/byzantine-seals/BZS.1951.31.5.119>.

⁵² PBW, *Anonymus* 20241.

⁵³ PBW, *Michael* 20286.

⁵⁴ PBW, *Gregorios* 103.

⁵⁵ For more details on the members of this family, cf. A.K. WASSILIOU-SEIBT, W. SEIBT, *Die byzantinischen Bleisiegel in Österreich*, vol. II, *Zentral- und Provinzialverwaltung*, Wien 2003, № 13, p. 41; № 56, p. 84–85.

8. *N.*, *protoproedros* and *epi ton kriseon* (1087)⁵⁶

This anonymous *epi ton kriseon* took part in the resolution of a dispute concerning the *proasteia* on the island of Leros. This dispute is described in a *chrysoboullon* of Alexios I Komnenos, issued in May 1087. With this document, the emperor donated the island of Leipsos and part of the possessions on Leros to Christodoulos of Patmos and his monastery on the homonymous island⁵⁷.

It is conceivable that he is to be identified with № 7, described above, but this claim is – again – impossible to prove due to the lack of sound evidence.

9. *Georgios Nikaeus*, *kouropalates*⁵⁸, [*krites tou velou*], and *epi ton kriseon* (1112)⁵⁹

The information about him comes from the acts of the Athonite monastery of Iveron. The first document, which dates back to January 10th, 1093, refers to the will of Symbatios Pakourianos, deposited in the church of *Theotokos en to phoro* in Constantinople in the presence of Georgios Nikaeus, then *protoproedros*, *krites tou velou*, and *koiaistor*⁶⁰.

Another document containing the name of the same functionary was composed on the next day (January 11th, 1093). In it, Georgios certified the right of Kale (monastic name: Maria), the wife of the deceased Symbatios Pakourianos, to be the executor of her husband's will⁶¹.

This particular document is preserved in a copy from 1112; its authenticity is confirmed by Georgios Nikaeus at the bottom. At the time, he was *kouropalates*, *krites tou velou*, and *epi ton kriseon* – a rise in both titular hierarchy and in service⁶².

10. *Ioannes Karianites*, *protokouropalates* and *epi ton kriseon* (1166)⁶³

Ionannes Karianites attended the second session (March 6th, 1166) of the synod in Constantinople, summoned in order to reconsider the relationship between the Father and the Son, referring to Christ's words: *My Father is greater than I* (Io 14, 28). It was an initiative of emperor Manuel I Komnenos (1143–1180), who took part in that same session in person. It was then that the final decisions were made and signatures were collected from representatives of both high clergy and secular authorities; among the latter was the *epi ton kriseon* under discussion⁶⁴.

⁵⁶ PBW, *Anonymus* 617.

⁵⁷ For the complete text of this *chrysoboullon* and the critical apparatus, cf. *Βυζαντινά έγγραφα τῆς μονῆς Πάτμου 1. Αὐτοκρατορικά*, ed. Ε.Λ. ΒΡΑΝΟΥΣΗΣ, Αθήνα 1980, № 5, p. 40–54.

⁵⁸ For the title of *kouropalates* and its derivative *protokouropalates*, as well as the change in their use in the 11th–12th century, cf. Α. ΚΑΖΗΔΑΝ, *Kouropalates*, [in:] ODB, vol. II p. 1157.

⁵⁹ PBW, *Georgios* 140.

⁶⁰ *Iviron*, № 44, p. 150–156.

⁶¹ *Iviron*, № 46, p. 167–169.

⁶² *Iviron*, p. 169.

⁶³ PBW, *Ioannes* 20293.

⁶⁴ Σ.Ν. ΣΑΚΚΟΣ, *Ὁ πατὴρ μου μείζων μου ἐστίν*, vol. II, *Ἐριδες καὶ σύνοδοι κατὰ τὸν 12^{ον} αἰῶνα*, Θεσσαλονίκη 1968, p. 155. This source is not available to me; it is cited after PBW (vide: fn. 63).

11. *N.*, *epi ton kriseon* (ca. 1185)⁶⁵

There is an allusion to an anonymous *epi ton kriseon* (mentioned with the epithet θαυμάσιον) in a letter of Michael Choniates to Euthymios Malakes, bishop of Neai Patrai⁶⁶. We could deduce from it that the person in question was an acquaintance of both the author of the letter and its recipient.

12. *Niketas Choniates*, *sebastos*, [*logothetes ton sekreton*], and *epi ton kriseon* (ca. 1194–1195)⁶⁷

This is the famous Byzantine historian and dignitary from the late 12th–early 13th century, who held the position of *epi ton kriseon* for a certain period of time. The evidence concerning his tenure comes from a letter sent to him by his elder brother Michael; in the *Codex Baroccianus*, the letter titles the addressee as τῷ αὐταδέλφῳ σεβαστῷ καὶ ἐπὶ τῶν κρίσεων κυρῷ Νικήτᾳ⁶⁸.

Somewhat later, probably, Niketas Choniates delivered a speech dedicated to Isaac II Angelos (1185–1195). It reflects its author's rise in the ranks of civil service; by that time, he was *logothetes ton sekreton* and *epi ton kriseon*, while his previous offices of *ephoros* and *krites tou velou* are also indicated in the title⁶⁹.

II. After 1204:

1. *Ioannes Chalkutzes*, *epi ton kriseon of the Great Church*⁷⁰ (1277–1285)⁷¹

He is mentioned as holding the office of *epi ton kriseon of the Great Church* in a document from 1277⁷² and, once again, among the participants in the synod

⁶⁵ Missing in PBW. The dating follows: *Michaelis Choniatae Epistulae*, ed. F. KOLOVOU, Berlin–New York 2001 [= CFHB, 41] (cetera: MICHAEL CHONIATES), № 20, p. 61*.

⁶⁶ MICHAEL CHONIATES, № 20, p. 26, 92–93.

⁶⁷ PBW, *Niketas* 25001. This entry is in need of substantial expansion. Furthermore, Niketas Choniates' service as *epi ton kriseon* is not mentioned in it.

⁶⁸ Cf. MICHAEL CHONIATES, p. 49*, fn. 4. For the text of the letter cf. MICHAEL CHONIATES, № 1, p. 3–4.

⁶⁹ *Nicetae Choniatae orationes et epistulae*, ed. J.A. VAN DIETEN, Berlin–New York 1972 [= CFHB, 3], A, 3–6. On the differences in dating, cf. W. TREADGOLD, *The Middle Byzantine Historians*, Basingstoke 2013, p. 426, fn. 23.

⁷⁰ This expression (ἡ Μεγάλη ἐκκλησία) refers to the Hagia Sophia church in Constantinople. During this period, the office of *epi ton kriseon* was subordinate to the patriarchate of Constantinople and was entirely dissociated from secular authorities, even though it retained its initial judicial character. Because of this major transformation, the corresponding prosopographic section only contains the most vital information and references, omitting a proper analysis. For further details on this institution, cf. J. DARROUZÈS, *Recherches sur les ὁφφίκια de l'Église byzantine*, Paris 1970, p. 377–378 [= AOC, 11].

⁷¹ PLP, 30518 *Chalkutzes Ioannes*.

⁷² *Dossier grec de l'union de Lyon (1273–1277)*, ed. V. LAURENT, J. DARROUZÈS, Paris 1976, p. 471 (unavailable to me; cited after PLP).

of Blachernae from 1285⁷³. Ioannes Chalkutzes was a cleric with the rank of deacon.

2. Michael Balsamon, *ekdikos ton kriseon of the Great Church/epi ton kriseon of the Great Church*, *exarchos*, *presbyteros*, and *taboularios* (1357–1362)⁷⁴

There is substantial evidence concerning his activities during the period between 1357 and 1380. Michael Balsamon appears as *ekdikos ton kriseon of the Great Church* among those who signed the patriarchal message of Kallistos (1350–1353, 1354–1363) in 1357⁷⁵. He is mentioned as *epi ton kriseon of the Great Church* in a donation charter for the Athonite monastery of Vatopedi, issued by *megas stratopedarches* Demetrios Tsamplakos and his wife Eudokia Palaeologina Tsamplakina (1362). Michael was a witness of this pious act⁷⁶.

3. N. Machetares, *epi ton kriseon* (1383)⁷⁷

Presbyter Machetares is attested as *epi ton kriseon* in a synodal act of condemnation of clergymen (20th January 1383)⁷⁸.

4. Konstantinos Timotheos, *epi ton kriseon of the Great Church* (1406)⁷⁹

Deacon Konstaninos Timotheos is mentioned in a synodal act concerning the planned union between the patriarchate of Constantinople and the Church of Cyprus⁸⁰.

* * *

This short review of the holders of the *epi ton kriseon* office, in the period when it constituted a secular judicial and presumably also administrative function (mid-11th century–1204), allows for certain conclusions and assumptions to be made. Overall, we know of 12 individuals; in addition, there are one or two others who might have held the position as well, but the available information is rather dubious⁸¹.

⁷³ V. LAURENT, *Les signataires du second synod des Blakhernes (Été 1285.)*, EO 26, 1927, p. 149.

⁷⁴ PLP, 2121 Balsamon Michael.

⁷⁵ ADGMA, vol. I, ed. F. MIKLOSICH, I. MÜLLER, Wien 1860, p. 369–374; *Registrum Patriarchatus Constantinopolitani*, ed. J. KODER et al., Wien 2001 [= CFHB, 19/3], p. 396–409.

⁷⁶ Γ.Ι. ΘΕΟΧΑΡΙΔΗΣ, *Οἱ Τζαμπλάκωνες*, Μακ 5, 1963, p. 138–141.

⁷⁷ PLP, 17531 Machetares; probably also: PLP, 17534 Machetarios.

⁷⁸ ADGMA, vol. II, ed. F. MIKLOSICH, I. MÜLLER, Wien 1862, p. 48–49.

⁷⁹ PLP, 28199 Timotheos Konstantinos.

⁸⁰ *Ἐκθέσεις παλαιογραφικῶν καὶ φιλολογικῶν ἐρευνῶν ἐν Θράκῃ καὶ Μακεδονίᾳ*, ed. Α. ΠΑΠΑΔΟΠΟΥΛΟΣ-ΚΕΡΑΜΕΥΣ, ΚΕΦΣ 17, 1886, p. 48–51.

⁸¹ Besides Nikephoros, discussed in the entry dedicated to his brother Konstantinos (№ 6), a certain Euthymios is mentioned in several lead seals, considered a probable *epi ton kriseon* by the editor

The known titles they bore varied according to the development of the hierarchical system of the empire, which was in a state of constant evolution. It was affected by the devaluation of honorary ranks in the middle of the 11th century, which could also be observed among the officials surveyed above: their titles changed consecutively from high to nominally higher from the rule of Constantine IX to that of Alexios I. The first *epi ton kriseon* in our list was *magistros and vestes* (№ 1), while the later ones, as far as we can tell, were usually *proedros* (№ 4) and *protoproedroi* (№ 6, 8). By the time of emperor Alexios I Komnenos, probably on the eve of the 12th century, the usual rank of an *epi ton kriseon* was that of *kouropalates* (№ 9), and by the time of his grandson Manuel I it might have been *protokouropalates* (№ 10); this is, again, a sign of certain titular devaluation similar to that observed in the 11th century. In two isolated cases, separated by more than a century (№ 5 and № 12), we encounter the rank of *sebastos*. In fact, it had a very different weight in 1078 (when it was the top rank accessible to people from outside the imperial family) and in 1194–1195. The significance of this title changed during the reign of Alexios I, when it became the basis for his adapted hierarchy of honorific ranks. It maintained its value during the Komnenian period, but devaluated significantly by the time of the Angeloi at the end of the 12th century (which is the time that the case of Niketas Choniates dates from).

In the rare occasions where the position of the *epi ton kriseon* was combined with another office – all of the known instances date from the 12th century – the other function was either another judicial post in the capital (*krites tou velou* – № 9) or one of the *logothesia* (*logothetes ton sekreton* – № 12). However, we have to bear in mind that Niketas Choniates was a quite exceptional case, as he lived long after the institution had been created and as such he is situated at the very periphery of the specified timeframe.

The position of the *epi ton kriseon* was usually the pinnacle of the career of high magistrates; this was true especially in the 11th century. In this period, we see few examples of a transition to this position from purely administrative departments. An exception is the case of Konstantinos, the nephew of Michael Keroularios, whose *cursus honorum* can be traced back in great detail. He passed through various positions; some of them were administrative or fiscal in nature, rather than judicial (*megas kourator of the sekreton of Mangana* and *sakelarios*), while at the same time he held other legal posts such as *krites tou velou* and (*megas*) *droungarios (tes Viglas)*. His nomination as *epi ton kriseon* happened about two decades into his career in the palace, which is also indicative of the elevated status of these

Jordanov (I. JORDANOV, *Corpus of Byzantine Seals from Bulgaria*, vol. III, Sofia 2009, № 941–944). This view has recently been rejected by Wassiliou-Seibt (A.-K. WASSILIOU-SEIBT, *Corpus...*, № 2404–2405).

high-ranking government officials in that period. The same applies to his brother Nikephoros, if we are to agree with the possible interpretation of the lead seal attributed to him⁸².

On the eve of the 12th century, Georgios Nikaeus was involved in administrative and juridical state service, advancing from *koiaistor* and *krites tou velou* to *epi ton kriseon*. Again, the latter was the most superior of his known positions, as well as the latest one in chronological order. We shall not delve into the case of Niketas Choniates, whose career is abundant in offices and titles – as already pointed out above, his tenure is too remote from the time when the function in question was established.

Of all the twelve individuals who served as *epi ton kriseon* before 1204, merely four (№ 2, 4, 8, 9) are known from judicial reports or documents directly related to their duties. In the first case (№ 2), the official resolved a controversy of matrimonial law. In the second and the third (№ 4, 8), the issues were related to landed property, while in the last case (№ 9), the *epi ton kriseon* authenticated a document concerning an inheritance with his signature. Only one of the cases was directly connected to the capital. In most of these situations, we see the *epi ton kriseon* serving as the highest instance, which once again manifests his privileged position as one of the supreme judges during the second half of the 11th (and probably all of the 12th) century not only in Constantinople, but also in the provinces, as the geographic spread clearly shows.

Scarce though they may be, the data presented above permit certain conclusions concerning the institution of *epi ton kriseon* at the time of its establishment and during the subsequent century and a half.

The control imposed by *epi ton kriseon* on the thematic judges seems irrefutable. The major doubt concerns its nature – was it purely judicial or simultaneously judicial and administrative? The latter statement seems more plausible; the creation of this office may have been caused, on the one hand, by the thematic judges' growth in significance and unsettled status, and on the other hand by their lack of proper education (in the majority of cases). Therefore, the aim of Constantine IX Monomachos and his associates was to impose stricter control over what was happening in the *themata*. Thus, this institution, based in the capital, was associated with a level of authority that had to be reckoned with; it permeated both the judicial and the administrative sphere not only in Constantinople, but also in the most distant provinces of Byzantium. Certain pieces of the evidence are related to the elevated position of these state officials, appointed directly by the *basileus* (for the proof, see № 3).

⁸² See the notes in the entry on Konstantinos.

However, despite the relatively influential position in the government of the empire, no particular *epi ton kriseon* is ever mentioned in a historiographic text from the Byzantine era. In a way, Konstantinos (Keroularios) (№ 5) furnishes an exception; there is a lot of information about him in various sources from the 11th–12th century, including in historiographic works. Nonetheless, none of it refers to his capacity as *epi ton kriseon*. This is not surprising, however: it was part of the Byzantine historiographic tradition to pay attention primarily to military matters, court intrigues, changes of emperors and their deeds, as well as to the most important figures of the Church hierarchy. In such narratives, officials of the central administration and the courts based in the capital rarely found themselves in the spotlight as such, unless they were involved in political matters outside their sphere of competence and jurisdiction. It was common for dignities, positions, and sometimes even names (as is often the case in Michael Psellos' *Chronographia*, for instance) to be omitted, which additionally blurs our knowledge about those who held the office of the *epi ton kriseon*. However, the extant firm evidence concerning their activity, their high ranks, as well as their appearance in the correspondence and works of such a prominent intellectual as Psellos (№ 2, 3, 6) provide unequivocal proof for their important position in the life of Constantinople. Also quite evident are the social ties between the *epi ton kriseon* and the bureaucratic élite in the capital, which they were part of from the 1040s until the disaster of 1204. These functionaries were an indelible element of the knotty fabric of Byzantine society of that time.

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Abstract. The paper investigates the establishment of the office of the *epi ton kriseon* during the reign of emperor Constantine IX Monomachos (1042–1055), analysing the reasons behind its creation and its initial character. In addition, a list of all holders of this office is provided, based on all available sources – sphragistic, epistolary, rhetorical, documentary, etc. The list is divided into two parts – before and after the sack of the Byzantine capital by the Crusaders in 1204. Certain conclusions are reached at the end of the paper based on the data from the first part of the list. Different aspects of the problem are examined, including the honorific titles of the *epi ton kriseon*, their other offices, activities and social bonds. Individuals who held this position include prominent figures such as Konstantinos, nephew of patriarch Michael I Keroularios (1043–1058) and the addressee of many letters from Michael Psellos, as well as the 12th–13th century historian Niketas Choniates. In the 11th–12th century, these officials were an indelible part of the Byzantine bureaucratic élite and the Constantinopolitan society; they exerted their power not only in the capital, but also in the provinces.

Keywords: *epi ton kriseon*, Byzantine supreme courts, Byzantine central and provincial administration, Byzantine 11th century.

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